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10/747,761

#### REMARKS

The undersigned wishes to acknowledge the courteous treatment received during an interview held with Examiners Matthews and Matecki on July 12, 2006 at which time proposed changes to the claims were discussed.

Claims 1-2 and 10-13 were rejected as being unpatentable over Roberts 2,832,436.

Claims 3-7 were rejected as being unpatentable over Roberts in view of Wood 5,050,708.

Claims 8-9 were rejected as being unpatentable over both of the above references and further in view of Oglesby 6,783,482.

Roberts discloses a stair elevator in which a car C is mounted to ride up and down on a set of stairs. The car is connected to and driven on one side to a rail B on one side of the staircase. The opposite end of the car does not extend to the opposite side of the stair case but terminates short of the opposite side of the staircase, riding on pads 46 mounted on front edges of the steps. When car C is in its lowermost position, the normal use of the staircase requires stepping on the left side of the car to by pass the car which appears to be bulky covering the height of between two and three steps, making it difficult to step on or over the car.

The Examiner, in referring to the fact that this reference shows the car only extending part way across the stair case, makes the statement: "It would have been obvious to a persona of ordinary skill ... to modify the apparatus of Roberts to include a

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stringer on both sides so that the movable step could be more balanced and provide more stability when being transferred up and down the track". In other words, the Examiner was unable to find this important feature of the present invention in the published art. The fact is, such a modification of Roberts would defeat the purpose of Roberts which is clearly to allow a user to bypass the cart which as noted above appears difficult to step on or over.

The Examiner also makes a similar statement with regard to Roberts' lack of a teaching with regard to the auto return switch, that it would be obvious to include such a feature "so that the apparatus was more users friendly and could accommodate the users needs". This kind of argument is one which someone could make if a secondary reference were found that teaches such a feature, arguing that it would be obvious to incorporate such a feature in the primary reference. But no reference was cited for such a feature and one can only conclude that the suggestion for such a feature comes from applicant's own teachings, ie, the disclosure. Examiner Matecki raised the question during the interview about how the auto return switch differs from the feature in some elevators, according to the Examiner, that returns an elevator to a ground floor when the last person leaves the elevator. The undersigned pointed out that in an elevator presumably it is returned to the first floor if no one pushes a destination button, but in the present invention, a pressure sensor 26 on the movable step (page 11) detects when a passenger has departed. The undersigned emphasized that he has no actual knowledge of how the elevator functions in

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this regard but is only speculating as to how it might work. This feature does not appear to be taught or suggested in any of the art cited by the Examiner.

Wood has a wheelchair transfer mechanism and was cited for the use of a cable and spool.

Oglesby shows a treadmill control system and was cited for the use of pressure sensing switch to permit movement only when a user is on the step.

In view of the excellent art cited by the Examiner, claim 1 has been extensively amended to recite that the movable step is without any extending member and in its first position is flush with the first step for maintaining a low profile blending in with surrounding conditions (see page 12, second paragraph) and that when the movable step is in its docked or first position a conventional staircase is provide for traversing by foot over the whole width of the staircase. Some of this language is taken from claim 11 which has been canceled and other language is taken from page 11, last four lines. The auto return feature has also been incorporated into this claim.

Claim 2 has been amended to recite that the stringer has a flat wall surface facing the stairs and that the track is secured to said wall surface (Page 11, middle of the page) and each end of the movable stair has casters riding in the track. This feature does not appear to be taught in the above references.

Claims 4, 5, 11 and 12 have been canceled.

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The remaining claims all depend from claim 1 and add mechanical details of the present invention some of which do not appear to be taught in the above references, for example, the casters riding in the track.

Ms. Matecki pointed out that Wood has a platform at the bottom of the stairway which appears to be similar to that of the present invention. The reference was discussed in some detail. The Examiner wanted to know why the teachings of Wood could not be incorporated into that of Roberts to extend the movable stair to the full width of the stairway. The undersigned pointed out that the only motivation for this would have to come from applicant's own teachings since Roberts teaches away from this idea as discussed above. In Wood, the lower platform is stationary while a plate 29 resting on the platform is used to raise the wheel chair. So it is not clear to the undersigned exactly what features in Wood could be used in Roberts to obtain the claimed invention, the teachings of the two references being so incompatible with each other. Would one adopt the plate of Wood, or just the stationary platform, or the combination of the stationary platform and the movable plate?

In view of the foregoing, it is believed that the claims remaining clearly distinguish over the art of record and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

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A favorable action is solicited.

Respectfully submitted,



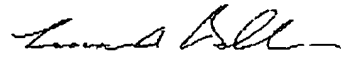
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Leonard Belkin